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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,392	12/07/2000	Richard Alan Haase	0170SS-45347	7432

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EXAMINER

BARRY, CHESTER T

ART UNIT PAPER NUMBER

1724

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice Of Defective Paper In
MERGED Ex Parte Reexamination / Reissue**

Control Number / serial No.

90/005,710 and 09/733342

Patent Under Reexamination

5846435

Examiner

Chester T. Barry

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1724

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

1. ☐ Since no proof of service was included with the paper filed on _____, it fails to comply with 37 CFR 1.248 and 1.540. Proof of service is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action. Failure to provide proof of service may result in a refusal to consider the paper.
2. ☐ The paper filed on _____ is unsigned. A duplicate paper or ratification, properly signed, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
3. ☐ The paper filed on _____ is signed by _____, who is not of record. A duplicate paper or ratification signed by a person of record, or by a person made of record by way of a new power of attorney, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
4. ☒ The Amendment filed on 12 November 2003 does not comply with 37 CFR 1.530(d)-(j). Patent owner is given ONE (1) MONTH from the mailing date of this letter, or within the time remaining in the response period of the last Office action to correct this informality; otherwise, the reexamination proceeding will be terminated (37 CFR 1.550(d)).
5. ☒ Other
The claims presented 11/12/03 fail to comply with 37 CFR 1.530(d)(2) ("Each patent claim proposed to be changed and each proposed added claim must include markings pursuant to paragraph (f) of this section"). 37 CFR 1.530(f) states, in pertinent part:

Any changes relative to the patent being reexamined which are made to the . . . claims . . . must include the following markings:

- (1) The matter to be omitted by the reexamination proceeding must be enclosed in brackets; and
- (2) The matter to be added by the reexamination proceeding must be underlined.

See also 37 CFR 1.173 (d)(1), (d)(2), and (g).

An annotated copy of some of the claims presented 11/12/03 is attached pointing out many, but not necessarily all, specific instances of non-compliance. It remains applicant / owner's responsibility to carefully review ALL of the claims for compliance with the current rules prior to resubmission. The annotations are to assist applicant / owner in complying with the foregoing rules and should not be interpreted as the examiner's approval of the claims as amended on the merits. The examiner expresses no opinion on the merits related to the claims amended in the 11/12/03 filing at this time.

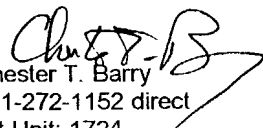
Furthermore, with respect to the parenthetical claim "status" indicator, the rule on point is 37 CFR 1.173(b)(2) or 37 CFR 1.530 (d)(2), not 37 CFR 1.121(c) (" . . . (c) In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered)"). Neither 37 CFR 1.173(b)(2) nor 37 CFR 1.530 was changed by the "Changes To Implement Electronic Maintenance of Official Patent Application Records," 68 Fed. Reg. 38611 (30 June, 2003).

The amendment filed 11/12/03 is deficient also for want of a listing, on pages separate from the pages containing the changes to the claims themselves, indicating the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes to the claims made by the amendment paper. See 37 CFR 1.530(e).

Questions may be directed to the undersigned.

NOTE: EXTENSION OF TIME ARE GOVERNED BY 37 CFR 1.550(c). If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

~~cc: Requester (if third party requester)~~


Chester T. Barry
571-272-1152 direct
Art Unit: 1724